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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 JAMES VALENTE,

20 Defendant.

No. CR 04-0044-SI

PLEA AGREEMENT

21 I, James Valente, and the United States Attorney's Office for the Northern District of
22 California (hereafter "the government") enter into this written plea agreement (the "Agreement")
23 pursuant to Rule 11(c)(1)(A) and 11(C)(1)(B) of the Federal Rules of Criminal Procedure:

The Defendant's Promises

24 1. I agree to plead guilty to Count One of the captioned Indictment charging me with
25 conspiracy to distribute anabolic steroids, in violation of 21 U.S.C. § 846. I agree that the
26 elements of the offense and the maximum penalties for the offense is as follows:

27 PLEA AGREEMENT
28 CR 04-0044-SI

FILED

JUL 15 2005

RICHARD W. WICKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

2648
Jed

COUNT ONE--ELEMENTS

(1) There was an agreement between myself and one or more persons to distribute, and possess with intent to distribute, anabolic steroids; and

(2) I became a member of that conspiracy to distribute, and possess with intent to distribute, anabolic steroids knowing of at least one of its objectives and intending to help accomplish that objective.

COUNT ONE--PENALTIES

a.	Maximum prison sentence	Five years imprisonment
b.	Maximum fine	\$ 250,000 or twice the gross gain or gross loss, whichever is greater
c.	Maximum supervised release term	Two years
d.	Mandatory special assessment	\$ 100
e.	Restitution	None

2. I agree that I am guilty of the offenses to which I will plead guilty, and I agree that the following facts are true:

Between December 1, 2001, and September 3, 2003, while serving as vice- president of the Bay Area Lab Cooperative ("BALCO") in Burlingame, California, I knowingly participated in a conspiracy to illegally distribute steroids and other performance-enhancing drugs.

I knowingly conspired to distribute illegal steroids, and to distribute other performance-enhancing drugs, to athletes. The drugs the conspiracy distributed to these athletes included a testosterone/epitestosterone cream, known as "The Cream;" a synthetic and undetectable steroid-like derivative, tetrahydrogestrinone, also known as "THG," or "The Clear;" injectable human growth hormone, or "HGH;" erythropoietin, or "EPO;" modafinil; and clomid (an anti-estrogen medication used to help the body regenerate natural testosterone level).

I was aware that Victor Conte received payments for steroids in the form of checks that were deposited into his personal account. At the direction of Victor Conte, and with information provided by him, I made a record of monies owed to Victor Conte for illegal steroids and other

1 performance-enhancing drugs previously supplied. I also ordered epitestosterone for use in
2 manufacturing "The Cream." In furtherance of the conspiracy, I also distributed illegal steroids
3 and other performance-enhancing drugs to Greg Anderson.

4 3. I agree to give up all rights that I would have if I chose to proceed to trial,
5 including the rights to a jury trial with the assistance of an attorney; to confront and cross-
6 examine government witnesses; to remain silent or testify; to move to suppress evidence or raise
7 any other Fourth or Fifth Amendment claims; to any further discovery from the government and
8 to future DNA testing of physical evidence in the government's possession; and to pursue any
9 affirmative defenses and present evidence.

10 4. I agree to give up my right to appeal my convictions, the judgment, and orders of
11 the Court. I also agree to waive any right I may have to appeal any aspect of my sentence,
12 including any orders relating to forfeiture and/or restitution.

13 5. I understand that under 18 U.S.C. § 3600, I have the right, under certain
14 circumstances, to post-conviction DNA testing of evidence in the government's possession in
15 support of a claim that I am actually innocent of the offenses to which I am pleading guilty under
16 this plea agreement. I agree to waive my right to post-conviction DNA testing and my right to
17 file a petition under 18 U.S.C. § 3600 to compel that testing.

18 6. I agree not to file any collateral attack on my convictions or sentence, including a
19 petition under 28 U.S.C. § 2255, at any time in the future after I am sentenced, except for a claim
20 that my constitutional right to the effective assistance of counsel was violated.

21 7. I agree not to ask the Court to withdraw my guilty pleas at any time after they are
22 entered.

23 8. I agree not to ask the Court to withdraw my guilty plea at any time after it is
24 entered.

25 9. I agree that the Court will calculate my sentencing range under the Sentencing
26 Guidelines. I understand that the Court, while not bound to apply the Guidelines, must consult
27 those Guidelines and take them into account when sentencing. I agree that regardless of the
28 sentence that the Court imposes on me, I will not be entitled, nor will I ask, to withdraw my

1 guilty pleas. I also agree that the Sentencing Guidelines range will be calculated as follows and
 2 that I will not ask for any other adjustment to or reduction in the offense level or for a downward
 3 departure from the Guidelines range:

4 COUNT ONE

5 (1) Base Offense Level, U.S.S.G. § 2D1.1(c): 6

6 [For purposes of the Sentencing Guidelines, the parties agree that
 7 the quantity of drugs involved in the conspiracy charged in
 8 Count One of the Indictment was less than 250 units of
 Schedule III substances.]

9 (2) Acceptance of responsibility: -2
 (If I meet the requirements of
 U.S.S.G. § 3E1.1)

10 (3) Adjusted offense level: 4

11 10. I agree that a sentence within the applicable Guideline range is reasonable and that I
 12 will not seek a sentence below the applicable Guideline range. I understand that the government
 13 agrees to recommend a probationary sentence with no term of imprisonment. I agree that,
 14 regardless of any other provision in this agreement, the government may and will provide to the
 15 Court and the Probation Office all information relevant to the charged offenses or the sentencing
 16 decision. I also agree that the Court is not bound by the Sentencing Guidelines calculations
 17 above, the Court may conclude that a higher guideline range applies to me, and, if it does, I will
 18 not be entitled, nor will I ask, to withdraw my guilty plea.

19 11. I agree that I will make a good faith effort to pay any fine, forfeiture or restitution I am
 20 ordered to pay. Before or after sentencing, I will, upon request of the Court, the government, or
 21 the U.S. Probation Office, provide accurate and complete financial information, submit sworn
 22 statements and give depositions under oath concerning my assets and my ability to pay, surrender
 23 assets I obtained as a result of my crimes, and release funds and property under my control in
 24 order to pay any fine, forfeiture, or restitution. I agree to pay the special assessment at the time
 25 of sentencing.

26 12. I agree not to commit or attempt to commit any crimes before sentence is imposed or
 27 before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial
 28

1 release (if any); intentionally provide false information to the Court, the Probation Office,
 2 Pretrial Services, or the government; or fail to comply with any of the other promises I have
 3 made in this Agreement. I agree that, if I fail to comply with any promises I have made in this
 4 Agreement, then the government will be released from all of its promises in this Agreement,
 5 including those set forth in paragraphs 15 through 17 below, but I will not be released from my
 6 guilty plea.

7 13. I agree that this Agreement contains all of the promises and agreements between the
 8 government and me, and I will not claim otherwise in the future.

9 14. I agree that this Agreement binds the U.S. Attorney's Office for the Northern District of
 10 California only, and does not bind any other federal, state, or local agency.

11 The Government's Promises

12 15. The government agrees to move to dismiss any open charges pending against the
 13 defendant in the captioned indictment at the time of sentencing.

14 16. The government agrees not to file or seek any additional charges against the defendant
 15 that could be filed as a result of the investigation that led to the captioned indictment.

16 17. The government agrees to recommend the Guidelines calculations set out above, and
 17 further agrees to recommend that defendant be sentenced to a probationary sentence with no term
 18 of imprisonment.

19 The Defendant's Affirmations

20 18. I confirm that I have had adequate time to discuss this case, the evidence, and this
 21 Agreement with my attorney, and that he has provided me with all the legal advice that I
 22 requested.

23 19. I confirm that while I considered signing this Agreement, and at the time I signed it, I
 24 was not under the influence of any alcohol, drug, or medicine.

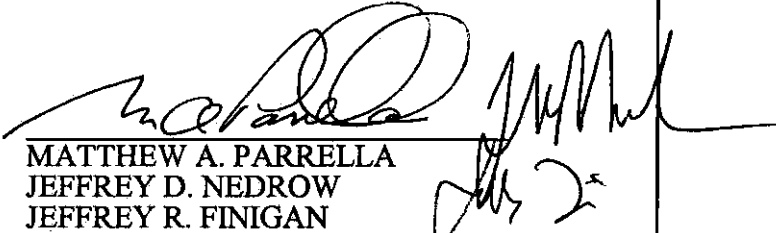
25 20. I confirm that my decision to enter a guilty plea is made knowing the charges that have
 26 been brought against me, any possible defenses, and the benefits and possible detriments of
 27 proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and no
 28 one coerced or threatened me to enter into this Agreement.

1
2
3 Dated: 7/15/05
4


JAMES VALENTE
Defendant


5
6 KEVIN V. RYAN
7 United States Attorney

8
9 Dated: 7/15/05
10


MATTHEW A. PARRELLA
JEFFREY D. NEDROW
JEFFREY R. FINIGAN
Assistant United States Attorneys

11
12 I have fully explained to my client all the rights that a criminal defendant has and all
13 the terms of this Agreement. In my opinion, my client understands all the terms of this
14 Agreement and all the rights he is giving up by pleading guilty, and, based on the information
15 now known to me, his decision to plead guilty is knowing and voluntary.

16
17 Dated: 7.15.05
18


ANN MOORMAN
Attorneys for Defendant

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

Anderson et al,

Defendant.

Case Number: CR04-00044 SI

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 18, 2005, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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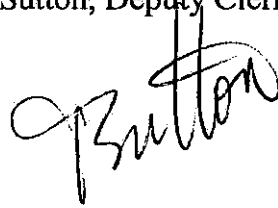
Alan Dressler
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USPO

Dated: July 18, 2005

Richard W. Wieking, Clerk
By: Tracy Sutton, Deputy Clerk

A handwritten signature in black ink, appearing to read "Tracy Sutton". The signature is written in a cursive, flowing style with a large initial "T" and "S".